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Attorneys for Plaintiff
Lue Powell

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LUE POWELL, } Case No.: 2:20-cv-02407-KJN
Plaintiff, }
vs. } STIPULATION FOR THE AWARD
KILOLO KIJAKAZI, } AND PAYMENT OF ATTORNEY
Acting Commissioner of Social } FEES AND EXPENSES PURSUANT
Security, } TO THE EQUAL ACCESS TO
Defendant. } JUSTICE ACT, 28 U.S.C. § 2412(d)
} AND COSTS PURSUANT TO 28
} U.S.C. § 1920; and ORDER

TO THE HONORABLE KENDALL J. NEWMAN, MAGISTRATE
JUDGE OF THE DISTRICT COURT:

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Lue Powell be awarded attorney fees and expenses in the amount of one thousand three hundred twenty-five dollars (\$1,325.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Lue Powell, the government will consider the matter of Lue Powell's assignment of EAJA fees to Lawrence D. Rohlfing. The retainer agreement containing the assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Lue Powell, but if the Department of the Treasury determines that Lue Powell does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to Law Offices of Lawrence D. Rohlfing, pursuant to the assignment executed by Lue Powell.¹ Any payments made shall be delivered to Lawrence D. Rohlfing.

This stipulation constitutes a compromise settlement of Lue Powell's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Lue Powell and/or Lawrence D. Rohlfing including Law Offices of Lawrence D. Rohlfing may have relating to EAJA attorney fees in connection with this action.

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¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien under federal law against the recovery of EAJA fees that survives the Treasury Offset Program.

This award is without prejudice to the rights of Lawrence D. Rohlwing and/or the Law Offices of Lawrence D. Rohlwing to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

DATE: October 16, 2021 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING

/s/ *Lawrence D. Rohlwing*

BY:

Lawrence D. Rohlwing
Attorney for plaintiff Lue Powell

DATED: October 17, 2021

PHILLIP TALBERT
Acting United States Attorney
DEBORAH LEE STACHEL
Regional Chief Counsel, Region IX

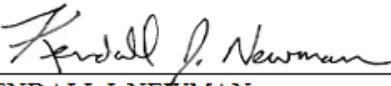
/s/ *Sathya Oum*

SATHYA OUM
Special Assistant United States Attorney
Attorneys for Defendant KILOLO KIJAKAZI,
Acting Commissioner of Social Security
(Per e-mail authorization)

ORDER

IT IS SO ORDERED. The Court awards Lue Powell be awarded attorney fees and expenses in the amount of \$1,325.00 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920 pursuant to the terms of the stipulation.

Dated: October 25, 2021



KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE